

OUTTEN & GOLDEN LLP

Ossai Miazad
Christopher M. McNerney
685 Third Avenue, 25th Floor
New York, New York 10017

**NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.**

Rachel M. Kleinman
40 Rector Street, Fifth Floor
New York, NY 10006

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

GEORGE MANDALA and CHARLES
BARNETT, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

NTT DATA, INC.,

Defendant.

Case No. 18 Civ. 6591 (CJS)

**PLAINTIFFS' NOTICE OF MOTION TO VACATE JUDGMENT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 60**

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure 60(b)(6) and 15(a), and for the reasons set forth in Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion to Vacate Judgment Pursuant to Federal Rule of Civil Procedure 60, and the exhibits attached thereto, Plaintiffs George Mandala and Charles Barnett, by and through their attorneys, Outten & Golden LLP and the NAACP Legal Defense and Educational Fund, Inc., respectfully move the Court, at a date and time to be determined by the Court, for an Order vacating the final judgment in this action and allowing Plaintiffs to file their First Amended Class Action Complaint (attached as **Exhibit A**).

PLEASE TAKE FURTHER NOTICE that, in accordance with Local Rule of Civil Procedure 7(a), Plaintiffs intend to file and serve reply papers, and in accordance with Local

Rule of Civil Procedure 7(b), if the Court does not set deadlines by order, any opposing party shall have 14 days after service of the motion to file and serve responding papers, and Plaintiffs shall have 7 days after the service of responding papers to file and serve reply papers.

A proposed order is attached as **Exhibit B**.

Dated: March 31, 2021
New York, New York

Respectfully submitted,

By: /s/ Christopher M. McNerney
OUTTEN & GOLDEN LLP
Ossai Miazad
Christopher M. McNerney
685 Third Avenue, 25th Floor
New York, New York 10017
Telephone: (212) 245-1000
E-mail: om@outtengolden.com
E-mail: cmcnerney@outtengolden.com

Rachel Williams Dempsey*
One California Street, Ste 1250
San Francisco, CA 94111
Telephone: (415) 638-8800
E-mail: rdempsey@outtengolden.com

**NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.**

Rachel M. Kleinman
40 Rector Street, Fifth Floor
New York, NY 10006
Telephone: (212) 965-2200
E-mail: rkleinman@naacpldf.org

Catherine Meza*
700 14th Street, NW, Suite 600
Washington, DC 20005
Telephone: (202) 682-1300
E-mail: cmeza@naacpldf.org

**pro hac vice forthcoming*

Attorneys for Plaintiffs and the Putative Classes